HIGH COURT OF CHHATTISGARH AT BILASPUR

M.A. No. 627 of 2005

Appellant		Jagatram Sonwani, S/o Shri Maniram Sonwani, aged about 38 years, R/o Daihanpara, near Petrol Pump, Chhoti Koni, Bilaspur, District-Bilaspur (C.G.).
	Versus	
Respondents	1.	Rajiv Kumar Mishra, S/o Late shri Bahadur Lal Mishra, R/o Mohalla Katra, Manipuri, District Manipuri (U.P.) Present address Prakash Industries Limited Champa, District Janjgir Champa (C.G.).
	2.	Prakash Industries Limited through Manager Prakash Industries Limited, Ring Road No.2, Gogan, Raipur, District- Raipur (C.G.).
	3.	The Oriental Insurance Company Limited, Through Manager, Divisional Office No.2, 2nd Floor, Chawla Complex, Sai Nagar, Raipur (C.G.).

DB: Hon'ble Shri Justice S. R. Nayak, C.J.
& Hon'ble Shri Justice Satish K. Agnihotri, J.

Mr. Devesh Verma, Advocate for the appellant.

ORAL ORDER

(2nd December 2005)

The following order of the Court was passed by S. R. Nayak, C.J.

1. In a personal injury case, the injured not being satisfied with the sum of Rs. 1,00,000/- awarded by the M.A.C.T. as compensation, has preferred this appeal for more compensation. In the accident, the petitioner sustained fracture of tibia and that resulted in stiffness in right leg ankle. The petitioner did not examine the doctor who treated him but he produced medical bills for Rs. 15,230=55. In absence of medical evidence and taking into account the nature of treatment undergone by the appellant and also medical bills produced by the claimant, the M.A.C.T. has awarded total global compensation of Rs. 1,00,000/- with interest at the rate of 6% per annum from the date of claim petition till payment.

2. It was contended by learned counsel for the appellant that rod has been inserted in the leg and it has to be removed by further operation and therefore, the appellant has to incur expenses for that purpose also, but, the M.A.C.T. has not awarded any compensation towards future medical expenses. There is no merit in the contention. Whether the rod is inserted and whether it is to be removed in future and what expenses are to be incurred, are all for the doctor to state. In the instant case, the doctor who treated the claimant is not examined as a witness. Even otherwise, there is no other piece of evidence on the basis of which expenditure to be incurred on the future medical treatment can be ascertained. The appellant has produced medical bills only for Rs. 15,230.55. In view of totally unsatisfactory evidence led by the claimant before the M.A.C.T., it could not be said that what has been awarded by the M.A.C.T. is not a just and reasonable compensation within the contemplation of the Motor Vehicles Act, 1988. The appeal is without merit. It is accordingly dismissed. No costs.

Sd/-
Chief Justice

Sd/-
SATISH K. ANGNIHOTRI
Judge

Thakur